



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria - Vlada - Government

**ADMINISTRATIVE INSTRUCTION (GRK)-NO. 04/2023 FOR THE
MEDICAL AND PSYCHOLOGICAL TREATMENT OF CHILDREN
VICTIMS OF ABUSE, TO HELP THEM IN REHABILITATION AND TO
RE-INTEGRATE THEM INTO SOCIETY¹**

¹ Administrative Instruction (GRK)-No. 04/2023 for the Medical and Psychological Treatment of Children Victims of Abuse, to Help them in Rehabilitation and to re-Integrate them into Society, has been approved in the 142nd Meeting of the Government of the Republic of Kosovo, with the Decision No. 03/142, dated 10.05.2023.

The Government of the Republic of Kosovo,

Pursant to Article 93 (4) of the Constitution of the Republic of Kosovo, in accordance with Article 57.10 of Law No. 06/L-084 for the protection of the child (OG, No. 14, July 17, 2019, and Article 19 (6.2) of the Government Rules of Procedure No.09/2011 (OG, No. 15, September 12, 2011),

Approves the following:

ADMINISTRATIVE INSTRUCTION (GRK)-NO. 04/2023 FOR THE MEDICAL AND PSYCHOLOGICAL TREATMENT OF CHILDREN VICTIMS OF ABUSE, TO HELP THEM IN REHABILITATION AND TO RE-INTEGRATE THEM INTO SOCIETY

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. With this Administrative Instruction, the medical and psychological treatment of the child victim of abuse is determined, in order to regain physical and mental health, to rehabilitate from the physical and mental trauma that may have been experienced, as well as to reintegrate into society. in order for him to play a constructive role in society as well as to avoid his victimization and social exclusion again.

**Article 2
Scope**

1. This Administrative Instruction applies:

1.1 By Institutions and by physical and legal persons, who work with the child and for the child, and who have responsibility for the protection and treatment of the child victim of abuse, in accordance with their obligations arising from the relevant legislation in force and with this administrative instruction.

1.2 Child with Kosovar citizenship, stateless, unregistered, asylum seeker, refugee or with foreign citizenship, within the territory of the Republic of Kosovo.

2. The provisions of this administrative instruction cannot be taken as a limitation or reduction of the existing Rights of the Child defined by the Constitution of the Republic of Kosovo, the Law on the Protection of the Child, the Convention on the Rights of the Child or the international instruments that regulate this field, as well as with other legislation in force.

3. Provisions of the Administrative Instruction (GRK) – No. 02/2021 on the implementation of child-friendly justice in criminal, civil and administrative proceedings, which define the rules of

child-friendly justice, should also be applied in the procedure of medical and psychological treatment of child victims of abuse, and in the implementation of measures for his rehabilitation and reintegration.

Article 3 Definitions

1. The expressions used for the purpose of this administrative instruction have the following meaning:

- 1.1 **Child abuse** – shall mean any act or omission, intentional or premeditated, committed by a parent, guardian, trusted person or any other person in a position of trust or authority that causes or is likely to cause physical harm, psychological, emotional or social to the child. Child abuse, in the sense of this administrative instruction, includes but is not limited to all forms of child violence, child neglect, maltreatment, child prostitution, child pornography, child abduction, child trafficking, exploitation, sexual abuse of the child;
- 1.2 **Child** – shall mean any human being under the age of eighteen (18).
- 1.3 **Child victim of abuse** – shall mean the child in need of protection, who is abused;
- 1.4 **Institution** – shall mean all institutions, authorities, public bodies, central and local level, private persons as bearers of public authorities as well as other legal and private persons in the Republic of Kosovo, who have responsibility for the protection of the child victim of abuse;
- 1.5 **Convention on the Rights of the Child/Convention** - The Convention on the Rights of the Child adopted by the General Assembly of the United Nations Organization on November 20, 1989;
- 1.6 **Health care** - measures and actions undertaken by institutions and health professionals, aimed at improving the child's health, to help them in rehabilitation and to reintegrate them into society;
- 1.7 **Law on child protection/Law** - Law No. 06/L-084 for child protection (Official Gazette no. 14, July 17, 2019);
- 1.8 **Law on social and family services** - Law no. 02/L-17 for social and family services (Official Gazette no. 12, May 1, 2007) amended and supplemented by Law no. 04/L-081 (Official Gazette, no. 5, April 5, 2012);
- 1.9 **Law on health** - Law no. 04/L-125 for health (Official Gazette, no. 13, May 7, 2013);
- 1.10 **Child protection** – shall mean prevention and response to child abuse inside and outside the home, which includes medical and psychological treatment of the child victim of abuse, to help him regain physical and mental health, rehabilitate from physical and mental trauma that he may have experienced as well as to reintegrate them into society;

- 1.11 **Case manager** – shall mean the responsible official appointed by the Custody Body, for the case management of the child victim of abuse, who, in cooperation with the relevant actors, assesses the child's needs and draws up the care plan;
- 1.12 **Ministry** - the relevant Ministry for health;
- 1.13 **In all stages** - includes all procedures in which the child victim of abuse is in contact with the relevant institutions or professionals for the protection of the child;
- 1.14 **Center for Social Work/CSW**- shall mean the professional public institution, at the municipal level, also competent for the protection of child victims of abuse;
- 1.15 **Emergency cases** - cases are considered when the child victim of abuse, who if left in the current circumstances, without any protective intervention, may die, be damaged or seriously injured, or be a victim of other ill-treatment.
2. Other expressions used in this administrative instruction have the same meaning as the definitions given in the Law on child protection and the Law on Social and Family Services.

CHAPTER II –RIGHTS AND PRINCIPLES OF THE CHILD VICTIM OF ABUSE NT O

Article 4

Treatment of the child victim of abuse

1. The medical and psychological treatment of the child victim of abuse, to help them rehabilitate and reintegrate into society, must be based on the principles and rights defined in this Chapter and it is not allowed to avoid basic rights and freedoms guaranteed by the Constitution, the Law on Child Protection and the relevant legislation in force.
2. The procedure related to the treatment of cases of child victims of abuse should be:
 - 2.1 Emergency and to be completed within a reasonable time;
 - 2.2 Efficient and in compliance with the rights of the child as well;
 - 2.3 In the best interest of the child

Article 5

The best interest of the child victim of abuse

1. All actions and decisions, at all stages, related to emergency cases of child victims of abuse, undertaken by institutions and professionals for child protection, and related to medical, psychological, and measures for rehabilitation and reintegration must be in the best interest of the child and the best interest of the child must be the overriding consideration.

2. The interpretation of the best interest, for the child victim of abuse, must be fully consistent and with respect for their rights and freedoms provided for by the Constitution, the Convention and the Child Protection Law.
3. No supposed interpretation of what is in the best interest of the child can justify the violation of any right recognized by the Constitution, the Convention and the Child Protection Law.

Article 6
Equal and dignified treatment of the child victim of abuse

1. During the treatment of the child victim of abuse:
 - 1.1 Children must receive the same medical, psychological treatment, and measures for rehabilitation and reintegration and there will be no direct or indirect discrimination, according to the meaning of any of the bases defined in the provisions of the Law on protection from discrimination.
 - 1.2 No child victim of abuse should be subject to violations of his honor and reputation and should be treated humanely and with respect, which develops in the child the sense of dignity and value of the person, which reinforces in him the sense of respect for the rights of the child.

Article 7
The right to privacy for the child victim of abuse

1. The child victim of abuse, during medical and psychological treatment, and the implementation of measures for rehabilitation and reintegration, is guaranteed the right to privacy.
2. All institutions and all persons dealing with and around the child victim of abuse are responsible for taking measures to protect the privacy and identity of the child, in accordance with the legislation in force, and no information should be published, leading to his identification.
3. Data on medical and psychological treatment, and measures for rehabilitation and reintegration, for the child victim of abuse, must be treated as follows:
 - 3.1 are kept and stored in a safe place;
 - 3.2 are kept confidential;
 - 3.3 be available only to authorized persons and
 - 3.4 are used only to assist them in health care.

4. All institutions and all persons must be cautious with Mass-media and social media and various portals, and must take measures to guarantee that the child victim of abuse is not identifiable under any circumstances.

Article 8

Licensing of operators and types of licenses

1. During medical and psychological treatment, and the implementation of measures for rehabilitation and reintegration, the child victim of abuse, for all issues and decisions that concern him, has the right to freely express his views. Professionals working with the child evaluate the child's views according to the child's level of maturity, understanding and the circumstances of the case.
2. The child has the right to receive sufficient and timely information, in a language he understands, including sign language, regarding medical and psychological treatment, and measures for rehabilitation and measures for reintegration.

Article 9

The child victim of abuse right to health care

1. Every child victim of abuse has the right to adequate health care, with continuous access and without discrimination, in accordance with the principles of health care defined in the Health Law, with ethical and professional rules, as well as to be instructed or referred to certain health service, depending on the health condition of the child.
2. Medical examination of the child victim of abuse:
 - 2.1. are carried out without delay;
 - 2.2. are performed by a health professional, according to their area of responsibility, in accordance with the rules of ethics and respecting the dignity of the child;
 - 2.3. serve to assess the general mental and physical condition of the child.
3. In case of need for a medical examination, no one is allowed to undress the child or ask him/her to show the covered parts of the body, except for health professionals, according to their area of responsibility.
4. After the completion of the medical examination, a medical report is prepared. According to the need and circumstances, the medical examination can be repeated.
5. The results of the medical examination must be taken into account for taking further steps in the treatment, rehabilitation and reintegration of the child.

6. The treatment of the child victim of abuse, in public health institutions, is free and exempt from co-payments.
7. In the event that health care, for the child victim of abuse, cannot be provided in public health institutions, the child has the right to health care outside of public health institutions, in accordance with the relevant legislation in force.

Article 10

The right of the child victim of abuse to rehabilitation and reintegration

1. The child victim of abuse has the right to continuous assistance to be rehabilitated and reintegrated into society.
2. Rehabilitative and reintegration measures are designed based on the specific needs of the child and must have the final goal of reuniting with dignity with the family, reintegration into the community and social life.
3. During the provision of rehabilitative and reintegration measures, the child is offered continuous support and counseling to avoid re-victimization and social exclusion.

CHAPTER III – INDIVIDUAL AND INSTITUTIONAL RESPONSIBILITIES

Article 11

Responsibility for coordination and cooperation for the protection of the child victim of abuse

1. Institutions and professionals, during medical and psychological treatment, as well as during the undertaking of measures for rehabilitation and reintegration of the child victim of abuse, have the following responsibilities:
 - 1.1 undertake the necessary measures to ensure cooperation and coordination according to the areas they cover;
 - 1.2 act with appropriate speed and effectiveness;
 - 1.3 after the relevant request, exchange information about the child's condition and needs;
 - 1.4 are committed to provide the child with the necessary protection and health care.
2. Each party will encourage cooperation between competent state authorities, civil society, and the private sector, in order to properly implement the measures defined in paragraph 1 of this article.

Article 12
Family responsibilities

1. Parents, guardians and other family members are responsible for taking care of the child's health and to ensure that the child victim of abuse receives medical and psychological treatment, as well as measures for rehabilitation and reintegration.
2. Institutions and professionals working for the protection of the child must undertake all necessary measures so that health care is developed in cooperation and interaction with the family.
3. During the medical and psychological treatment, as well as during the undertaking of measures for rehabilitation and reintegration, of the child victim of abuse, the case manager must work according to the principle with the family and partners for the child, and the relevant guideline for the implementation of this principle.
4. Only in circumstances where there is reason to suspect that a child is suffering harm, or is at risk of such harm within his family, his removal from the care of a parent or guardian can be considered, and measures of health care to be done outside the family, in accordance with the legislation in force.

Article 13
Institutional responsibilities

1. When the family fails to ensure the proper treatment of the child victim of abuse, and/or when the child is abused by the parents, guardian and/or other family members, the CSW is responsible for taking measures to protect the child, as well as to guarantee that the measures taken to:
 - 1.1 focus on child protection and safety;
 - 1.2 focus on the rights of the child;
 - 1.3 aim to avoid re-victimization of the child;
 - 1.4 are based on an integrated approach, which takes into account the relationship between the child and his wider social environment;
 - 1.5 allow, as appropriate, a range of protection and supportive health services;
 - 1.6 address the specific needs of the child victim of abuse, and be available to them.

Article 14
Responsibilities of the municipality

The municipality within its territory is responsible for providing medical and psychological treatment and the implementation of measures for rehabilitation and reintegration for the child victim of abuse and/or cooperate with the relevant municipalities for the implementation of these measures, in accordance with the relevant legislation in power.

Article 15
The fund for the treatment of emergency cases of the child victim of abuse

1. The relevant Directorate for Health, Labor and Social Welfare, within the municipality, within the Operational Plan for the development of primary health care, which is approved by the Ministry at the proposal of the Assembly of the Municipality, in accordance with the approved medium-term plan from the Government, should also include a budget for a special fund to handle emergency cases of child victims of abuse.
2. The fund defined in paragraph 1 of this article is used by CSW, in accordance with the relevant legislation in force.

Article 16
Responsibilities of Centers for Social Work

1. The responsibilities of the CSW in the case of a child victim of abuse include:
 - 1.1 Identification of the abused child or at risk of abuse through information provided by the relevant social work center itself, receiving referrals from other institutions, organizations, community members, the public, the family, the child himself and the media;
 - 1.2 Protection of the child victim of abuse, at any time as needed, even outside official working hours;
 - 1.3 Ensuring that the child victim of abuse receives medical and psychological treatment, as well as measures for rehabilitation and reintegration.
 - 1.4 Performing other duties and responsibilities that are defined by the legislation in force.

Article 17
Responsibilities of the School

1. The responsibilities of the school in the case of a child victim of abuse includes:
 - 1.1 identification of suspected cases of the child victim of abuse and the timely referral to the police and/or the CSW, under the territorial competence of the municipality and the

- responsible authorities to provide the necessary assistance to the child;
- 1.2 cooperation with relevant institutions for the implementation of medical and psychological treatment, and measures for rehabilitation and reintegration for the child/student of the relevant school who is a victim of abuse;
 - 1.3 participation in the case management table and support for the development and implementation of individual plans designed for the child victim of abuse;
2. Teachers and professional teams within the school must help design and implement measures for the rehabilitation and reintegration of the child, related to medical and psychological treatment (school psychologist, etc.), and if necessary they must also offer:
 - 2.1 facilitation and support for school attendance by children who have been identified as victims of abuse;
 - 2.2 prevention and education of the child to avoid situations of abuse;
 - 2.3 assurance that the pedagogical staff or persons employed in educational institutions are safe persons to work with the child.
 3. The relevant Ministry of Education shall take the necessary steps to include materials to learn from regarding child abuse prevention issues, adapted to the developing capacity of students in official curricula and at all educational levels.

Article 18 **Responsibilities of the police**

1. The responsibilities of the police in cases of child victim of abuse include:
 - 1.1 identification of cases where child abuse is suspected and referral to CSW;
 - 1.2 the immediate protection of the child victim of abuse at risk and their referral to the CSW, even when these cases are identified outside official working hours;
 - 1.3 fulfilling the request for the issuance of an immediate protection order when children are at high risk in cooperation with the CSW;
 - 1.4 the initiation of investigations in cases where there is reasonable suspicion and sufficient evidence for a criminal offense committed against the child, as well as the compilation of the criminal report against the suspect/s;
 - 1.5 attending the case management table and supporting the development and implementation of individual plans designed for the child;

1.6 the immediate support of the CSW when necessary, during family visits, during the identification and case management of the child who is at high risk;

1.7 support and cooperation with the CSW for the development of various informational activities in order to prevent child abuse.

Article 19 **Responsibilities of the Main Center of Family Medicine**

1. The responsibilities of the main center of family medicine and health professionals, in the case of a child victim of abuse, include:
 - 1.1. Identification of the abused child during the provision of health services and, based on the assessment, referral to other health levels, as well as the immediate referral of the case to the police and CSW;
 - 1.2. timely and without delay treatment of emergency cases of child abuse, including examinations and tests, in order to regain physical and mental health, to rehabilitate from physical and mental trauma that may have been experienced;
 - 1.3. Compilation of medical reports on the health status of the child abused or presumed to be at risk of abuse;
 - 1.4. participation in the case management table, support for the development and implementation of individual plans designed for the child;
 - 1.5. support and cooperation with the CSW for the development of various activities in order to prevent child abuse as well as for rehabilitation from physical and mental trauma that the child may have experienced, including measures to reintegrate into society.

Article 20 **Cooperation with civil society and the private sector**

1. Relevant institutions cooperate with civil society and the private sector in the fight against child abuse and for child protection.
2. Relevant institutions encourage the private sector, printed and electronic media, social networks, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards for the prevention of child abuse and increasing respect for their dignity.

CHAPTER IV – PROCEDURE FOR ACTION WITH THE CHILD VICTIM OF ABUSE

Article 21

Procedure for action with the child victim of abuse

- 1 The procedure for dealing with the child victim of abuse must enable:
 - 1.1 e advancement of the child's well-being;
 - 1.2 ensuring all measures, actions and activities that are in the best interest of the child;
 - 1.3 from the first contact with institutions, the child victim of abuse, their parents or guardians, be informed in a timely and adequate manner about their rights;
 - 1.4 that all contacts with the child victim of abuse are made in an adequate environment, which will fulfill the special needs of the child and in the language that the child understands and speaks in order to have more favorable opportunities for cooperation from the child himself;
 - 1.5 avoiding unnecessary contacts of the child and representatives of the institutions;
 - 1.6 that interviewing, examination and treatment are carried out by trained professionals with adequate qualifications, special knowledge and experience in the field of child rights;
 - 1.7 the achievement of the efficient flow of information between the institutions and services involved in the process of protecting the child victim of abuse;
 - 1.8 to protect children from re-victimization;
 - 1.9 to highlight the assistance and protection measures, which can be used at any stage of the procedure, in order to reduce or eliminate the harmful effects of violence or the criminal offense against the child victim of abuse.

Article 22

Treatment of cases of child victims of abuse by the CSW

1. For children who are victims of abuse, after receiving information or being informed about the abused child, the Custody Body responsible according to the territorial competence, provides adequate protection and treatment and appoints the Case Manager, who must be an employee of the relevant CSW of municipality where the child resides or is located and must be specially trained to deal with the child victim of abuse.

2. Duties and obligations of Custody Body and Case Manager is to take care and always act as a good parent towards the child victim of abuse.
3. The case manager, in cooperation and coordination with the parent or guardian and the family, when possible, ensures that the specific needs of the child in relation to medical and psychological treatment are taken into account during the review of the referred case. When a parent or guardian is an abuser of their child, the guardianship body can appoint a temporary guardian for the abused child.
4. In circumstances where a child is a victim of abuse and is assessed to be in need of medical and psychological treatment, the CSW schedules regular medical and psychological visits in order to ensure the child's safety and well-being and provide the child with any service, which is considered reasonable. The CSW must undertake all appropriate measures to promote the physical and psychological recovery and rehabilitation of the child victim of abuse, in order to regain physical and mental health, to rehabilitate from the physical and mental trauma he may have experienced, as well as to reintegrate into society.
5. Rehabilitative and reintegration measures must be long-term and included in the individual Plan for the child.
6. The Case Manager is responsible for the smooth running of the entire process and each case must be handled with a multi-dimensional approach and not in isolation.

Article 23

Accommodation of the child in a safe place

1. After receiving the information or notification about the child who is suspected to have experienced abuse, the most important and very urgent step is to accommodate the child in a safe place, prior to any further actions taken.
2. The child who is suspected of having experienced abuse is, under normal circumstances, sent to the family, CSW, to a special environment at school, the House for the Protection of Children or any other environment during the process of age verification and discovery of the circumstances and receiving information relevant from the child.
3. Sending the child victim of abuse to a police station is used only as a last measure and for the shortest possible time, where in these cases the environment should be friendly and separate from adults.
4. Transporting a child victim of abuse to the police station must be done under appropriate conditions, taking into account the child's age, and must not be transported with an adult, this also applies to the cases of sending the child to the CSW.

Article 24
Age verification

1. After accommodating the child in a safe place, the next important and very urgent step is to ascertain the age of the child victim of abuse, and further actions are taken according to the age.
2. In case of doubts, the age determination is done by the health professional.

Article 25
The child who is the victim of abuse shall not be left alone

It is forbidden to leave the child victim of abuse alone, unless the child requests this of his own free will and the professional specialized in the field of child protection considers it appropriate.

Article 26
Prohibition of confrontation and contact of the child with the abuser

1. The child victim of abuse must always be separated from the abuser, even if the abuser is also a child.
2. The child victim of abuse should not be allowed to face, have contact with the abuser as long as he is not psychologically prepared enough to face it, until the psychologist considers that the child is prepared for such a thing.

Article 27
Admission, registration, movement and transfer

1. Immediately after being sent to the police station or to the CSW, for each child victim of abuse, their special status and needs should be taken into account, in accordance with age, personality, gender and level of vulnerability, as well as mental and physical health and which, provides protection from harmful influences and dangerous situations. In these cases, care should be taken to protect the physical, mental and moral integrity as well as the well-being of the child.
2. In every police station, children must be kept separate from adults, as long as they are not from the same family.
3. Notification of admission to the police station must be made without delay to the parent or guardian, and to the CSW.
4. After registration and receiving the relevant information, in the presence of the parent or guardian and the social services official, the child is sent to the main family medicine center where the child must be examined by a doctor and referred as necessary.

5. The child must be under the supervision of the parent or guardian at all times and in their absence, or when it is not in the best interest of the child, the child must be under the supervision of the social services officer of the CSW.

Article 28

Medical and psychological treatment of the child victim of abuse

1. The child victim of abuse must be provided with medical and psychological treatment.
2. Every child victim of abuse is sent to the family doctor in the municipality where he lives, within the area of inclusion defined by the municipality, in the main center of family medicine. In cases where the family doctor has not been determined or it is in the best interest of the child, the family doctor can be changed.
3. According to the needs and cases, in the treatment of the child victim of abuse, the professionals in the primary health care cooperate with the health professionals at the secondary and tertiary level, in accordance with the Law on health as well as with the Standards of organization and operation of the family medicine service.
4. In the case where a specialized medical treatment is necessary, the primary health care institution is obliged to refer the child to another specialized health institution.
5. During the medical and psychological examinations of the child victim of abuse, it is important to respect the integrity and continuity of health care services at all three levels, as well as the implementation of coordination and mutual communication between the levels of health care.
6. Recommendations after medical and psychological treatment should be included in the individual Plan for the child.

CHAPTER VI- FINAL PROVISIONS

Article 29

Public awareness

1. The Ministry takes care to continuously promote the medical and psychological treatment of the child victim of abuse, according to the relevant provisions of this administrative instruction and the relevant legislation in force.
2. The awareness campaign is prepared by the relevant unit of the Ministry, in cooperation with the relevant institutions which are responsible and competent for the protection of the child.

Article 30
Professional trainings

1. The Ministry, in cooperation with relevant institutions, provides continuous professional training for health professionals in order to acquire the knowledge and minimum skills necessary to respond to all forms of child abuse.
2. The relevant Ministry for Social Affairs, in cooperation with relevant institutions, should provide continuous professional training for professionals who are directly involved in child protection in Social Work Centers, which should provide them with knowledge details on the measures for the rehabilitation and reintegration of the child victim of abuse.
3. The relevant Ministry of Education, in cooperation with relevant institutions, should provide continuous professional training for educational personnel, in order to acquire specialized knowledge, skills and competences to work with abused children.

Article 31
Responsibility for implementation

1. All relevant institutions of the Republic of Kosovo, in accordance with the defined responsibilities, are obliged to:
 - 1.1. plan and undertake all necessary measures to implement the provisions of this Administrative Instruction.
 - 1.2. take the necessary measures to ensure the structure, organization, equipment, training and sufficient number of specialized experts who deal with measures for medical, psychological treatment, rehabilitation and reintegration of the child victim of abuse, in emergency cases.
2. The Ministry is responsible for the coordination, implementation, monitoring and evaluation of medical, psychological, rehabilitation and reintegration measures for child victims of abuse.

Article 32
Issuance of Standard Operating Procedures

The Ministry, according to the need, for the implementation of this administrative instruction, may issue the standard operating procedures and/or the corresponding guidelines.

Article 33
Entry into force

This Administrative Instruction enters into force seven (7) days after it is published in the Official Gazette of the Republic of Kosovo.

Albin KURTI

Prime Minister of the Republic of Kosovo

2 June 2023
